

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VITTORIO GUERRIERO, M.D., and)	
GREGORY C. NACOPOULOS, D.O.,)	
)	
Plaintiffs,)	No. 08 CV 2388
)	Honorable Judge Leinenweber
vs.)	
)	
MERIT LINCOLN PARK, LLC, GREGORY A.)	
CIERLIK, WILLIAM S. MARKEY, M.D.,)	
MARIA M. MUÑOZ, M.D., CHRISTOS A.)	
GALANOPoulos, M.D., GEORGE I.)	
SALTI, M.D., GEORGE ENGEL, M.D.,)	
HOWARD A. MORITZ, M.D., CHRISTINE)	
BRADY, R.N., ERHARD R. CHORLÉ and)	
LYNN A. ELLENBERGER,)	
)	
Defendants.)	

DEFENDANTS MERIT LINCOLN PARK, LLC, GREGORY A. CIERLIK, WILLIAM S. MARKEY, M.D., MARIA M. MUÑOZ, M.D., CHRISTOS A. GALANOPoulos, M.D., GEORGE I. SALTI, M.D., GEORGE ENGEL, M.D., HOWARD A. MORITZ, M.D., CHRISTINE BRADY, R.N.'S MOTION FOR LEAVE TO FILE OVERSIZED BRIEF AND SEEKING ADDITIONAL TIME TO ANSWER OR OTHERWISE PLEAD

Defendants MERIT LINCOLN PARK, LLC, GREGORY A. CIERLIK, WILLIAM S. MARKEY, M.D., MARIA M. MUÑOZ, M.D., CHRISTOS A. GALANOPoulos, M.D., GEORGE I. SALTI, M.D., GEORGE ENGEL, M.D., HOWARD A. MORITZ, M.D., CHRISTINE BRADY, R.N. (collectively "Defendants"), by their attorneys, Bollinger, Ruberry & Garvey, respectfully moves to file an oversized brief in support of their motion to dismiss and requests that this Honorable Court grant the Defendants additional time to file such a response pleading, and state as follows:

1. Plaintiffs' Complaint for Damages was filed March 25, 2008 in the Circuit Court of Cook County, Illinois.

2. On April 24, 2008, Counsel for Co-Defendants ERHARD R. CHORLÉ (“CHORLÉ”) and LYNN A. ELLENBERGER (“ELLENBERGER”) (“Co-Defendants”) filed their Notice of Removal to the United States District Court for the Northern District of Illinois, Eastern Division.

3. Counsel for Defendants, Bollinger Ruberry & Garvey has only recently been retained, since after this matter was removed to this Court.

4. On May 8, 2008, Defendants filed their Joinder to Co-Defendant’s Notice of Removal.

5. Defendants and Co-Defendants are currently due to respond to Plaintiffs’ complaint on June 2, 2008.

6. Defendants plan on moving to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) and have been preparing a memorandum in support of their motion.

7. The complaint contains nine counts and consists of 135 paragraphs over 39 pages. The claims made by plaintiffs include fraud, tortious interference, civil conspiracy, and RICO violations.

8. Defendants have endeavored to succinctly state their arguments in favor of dismissal. Due to the prolixity of the complaint and the number of claims, Defendants need to file an over-sized brief.

9. Defendants therefore seek leave to file an oversized brief in support of their motion to dismiss, not to exceed 30 pages.

10. Furthermore, as previously noted, the Plaintiffs’ complaint contains several counts and numerous paragraphs over 39 pages. As a result, Bollinger, Ruberry & Garvey has been unable to discover all material facts at issue in this case.

11. As such, Defendants request an additional seven (7) days to file such a response pleading.

12. Counsel for Plaintiffs has advised counsel for Defendants that he does not object to this request for extension of time.

13. Defendants make this motion in good faith and not for the purposes of delay.

WHEREFORE, the Defendants MERIT LINCOLN PARK, LLC, GREGORY A. CIERLIK, WILLIAM S. MARKEY, M.D., MARIA M. MUÑOZ, M.D., CHRISTOS A. GALANOPoulos, M.D., GEORGE I. SALTI, M.D., GEORGE ENGEL, M.D., HOWARD A. MORITZ, M.D., CHRISTINE BRADY, R.N. respectfully request that this Court grant them leave to file a brief in support of their motion to dismiss, not to exceed 30 pages in length, and an additional seven (7) days to file said motion to dismiss.

Dated this 29th day of May, 2008.

Bollinger, Ruberry & Garvey

By:/s/ Elise N. Victor

One of the Attorneys for Defendants MERIT LINCOLN PARK, LLC, GREGORY A. CIERLIK, WILLIAM S. MARKEY, M.D., MARIA M. MUÑOZ, M.D., CHRISTOS A. GALANOPoulos, M.D., GEORGE I. SALTI, M.D., GEORGE ENGEL, M.D., HOWARD A. MORITZ, M.D., CHRISTINE BRADY, R.N.

Michael S. Knippen, ARDC No. 6185723
Mark F. Wolfe, ARDC No. 6186298
Elise N. Victor, ARDC No. 6287603
BOLLINGER, RUBERRY & GARVEY
500 West Madison Street, Suite 2300
Chicago, Illinois 60661
312.466.8000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of *Defendants Merit Lincoln Park, LLC, Gregory A. Cierlik, William S. Markey, M.D., Maria M. Munoz, M.D., Christos A. Galanopoulos, M.D., George I. Salti, M.D., George Engel, M.D., Howard A. Moritz, M.D., Christine Brady, R.N.'s Motion for Leave to File Oversized Brief and Seeking Additional Time to Answer or Otherwise Plead* to be electronically filed with the Clerk of the Court using the CM/EFC system, and the following counsel of record were served electronically on May 29, 2008:

William E. Barrows Attorney at Law 1020 Evergreen Circle Olympia Fields, IL 60461 Phone: (708) 481-4179 <i>Counsel for Plaintiffs Vittorio Guerriero, M.D., and Gregory C. Nacopoulos, D.O.</i>	Kevin Michael Forde Kevin M. Forde, Ltd. 111 West Washington Street Suite 1100 Chicago, IL 60602 Phone: (312) 641-1441 <i>Counsel for Defendants Erhard R. Chorle and Lynn A. Ellenberger</i>
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By: /s/ Elise N. Victor
Elise N. Victor
ARDC No.: 6287603
BOLLINGER, RUBERRY & GARVEY
500 West Madison Street
Suite 2300
Chicago, Illinois 60606-2511
Telephone: 312-466-8000